IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7311 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARLABEN PUNJALAL BRAHMBHATT

Versus

DISTRTICT COLLECTOR

Appearance:

Shri PH PATHAK for Petitioners No. 1-3
Shri Siraj Gori, Assistant Government Pleader
for respondent No. 1
Shri SANJAY M AMIN for Respondent No. 2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 05/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by Shri Siraj Gori, learned Assistant Government Pleader and Shri Sanjay Amin, learned advocate for respondents no.1 and 2

respectively.

2. The present petition is filed for the relief that respondent no.1, i.e. District Collector, Gandhinagar be directed to recover the amount as per certificates at Annexure 'B' (Colly.) and pay the same to the petitioners with 18% interest.

3. Having perused the papers of the petition, it becomes clear that there is substance in the petitioners' case. Inaction on the part of respondent no.1 and non payment of gratuity amount on the part of respondent no.2 are clear from the documents produced on the record of the case.

4. In the facts and circumstances of the case, respondent no.2 is directed to make payment of the gratuity amount, which according to Shri Pathak, learned advocate for the petitioners is payable to the petitioners as under:

Gratuity amount Rs.	Payable to petitioner no.
34,428/-	1
72,434/-	2
49,461/-	3

It is clarified that these amounts are to be paid with interest at the rate of 10% per annum. It is directed that the said amounts be paid as early as possible, but not later than 30.6.2002, in equal monthly instalments. It is further clarified that in case any of the monthly instalment is not paid by the end of the next month, the petitioners will not resort to any coercive measures and will wait for the outer limit to expire.

5. The petition is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. No order as to costs.

(Ravi R. Tripathi, J.)

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